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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/629,392	07/29/2003	Joanne Hunt	84594MSS	6507

7590 04/20/2005

Patent Legal Staff
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Rochester, NY 14650-2201

EXAMINER

CAMERON, ERMA C

ART UNIT	PAPER NUMBER
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1762

DATE MAILED: 04/20/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/629,392

Applicant(s)

HUNT ET AL.

Examiner

Erma Cameron

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) 2,3 and 14 is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1,4-13 and 15-17 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

DETAILED ACTION

Response to Amendment

Election/Restrictions

1. Claims 2 -3 and 14 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected species, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on 3/3/2005.

Claim 14 has not been rejoined into the application.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. The rejection of Claims 1, 4-15 under 35 U.S.C. 112, second paragraph, is withdrawn because of the amendment filed 3/3/2005.

Claim Objections

4. The objection to Claim 7 is withdrawn because of the amendment filed 3/3/2005.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. The rejection of Claims 1, 4, 11 under 35 U.S.C. 102(b) as being clearly anticipated by EP 765763 is withdrawn because of the amendment filed 3/3/2005.

7. The rejection of Claims 1, 6-7 and 11-12 under 35 U.S.C. 102(b) as being clearly anticipated by Ueno et al (5356853) is withdrawn because of the amendment filed 3/3/2005.

8. Claims 1, 4 and 15 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by EP 1060901.

'901 teaches forming a porous base layer for an inkjet recording element by applying a hydrophilic polymer such as gelatin or PVA plus blowing agent to a support (4:4-37).

9. Claims 1, 4 and 15 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Aono (5128313).

'313 teaches making a porous layer on an image receiving material by applying a water soluble polymer and blowing agent. The foaming occurs either before application or during

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coating and drying (9:3-54). Elsewhere in '313, gelatin is disclosed as a water soluble binder (9:3-10).

An image receiving material is inclusive of an inkjet material.

10. Claims 1, 4, 6-7 and 15-16 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by DeBoer et al (6299302).

'302 teaches making an ink-receiving layer on an inkjet substrate that comprises water soluble binder such as gelatin or PVA, a fluorosurfactant (at 0.01-1wt %) and a blowing agent (3:5-5:8).

Claim Rejections - 35 USC § 103

11. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

12. The rejection of Claims 5, 9 and 10 under 35 U.S.C. 103(a) as being unpatentable over EP 765763 is withdrawn because of the amendment filed 3/3/2005.

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13. The rejection of Claims 5 and 8-10 under 35 U.S.C. 103(a) as being unpatentable over Ueno et al (5356853) is withdrawn because of the amendment filed 3/3/2005.

14. Claims 5-12 and 16-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over EP 1060901.

'901 is applied here for the reasons given above.

'901 fails to teach the wt % of blowing agent, the presence of surfactants, plural simultaneous coatings or foaming by heat.

It would have been obvious to one of ordinary skill in the art to have optimized the wt% of the composition thru no more than routine experimentation.

Applying a plurality of coating solutions is a mere variation on typical coating practices.

'901 teaches that additives that are well known in the art may be added (4:36-37). This would be inclusive of surfactants.

Foaming by heating blowing agents is well known in the art.

15. Claims 5-12 and 16-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Aono (5128313).

'313 is applied here for the reasons given above.

'313 fails to teach the wt % of blowing agent, the presence of surfactants, plural simultaneous coatings or foaming by heat.

It would have been obvious to one of ordinary skill in the art to have optimized the wt% of the composition thru no more than routine experimentation.

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Applying a plurality of coating solutions is a mere variation on typical coating practices.

Additives such as surfactants are well known in the art as part of coating compositions.

Foaming by heating blowing agents is well known in the art.

16. Claims 5, 8-12 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Aono (6299302).

'302 is applied here for the reasons given above.

'302 does not teach applying a plurality of coating solutions, but this is a mere variation on typical coating practices.

The wt% of surfactant at 0.01-1% overlaps with applicant's claimed range of 0.01-2%.

'302 fails to teach the wt % of blowing agent, but it would have been obvious to one of ordinary skill in the art to have optimized the wt% thru no more than routine experimentation.

'302 fails to teach foaming by heat, but foaming by heating blowing agents is well known in the art.

17. Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over EP 1060901 or Aono (5128313) or DeBoer (6299302), all taken in view of KR 2000-0063640.

'901, '313 and '302 fail to teach adding an acid to react with the blowing agent.

'640 teaches adding an acid that decomposes a foaming agent as a process to foam a PVA solution (see pages 7-9 of translation).

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It would have been obvious to one of ordinary skill in the art to have used the acid foaming process of '640 because it teaches that this is a conventional means of foaming a PVA solution.

Conclusion

18. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Erma Cameron whose telephone number is 571-272-1416. The examiner can normally be reached on 8:30-6:00, alternate Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Timothy Meeks can be reached on 571-272-1423. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


ERMA CAMERON
PRIMARY EXAMINER

Erma Cameron
Primary Examiner
Art Unit 1762

April 17, 2005